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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,460	12/14/2001	Michael Gauselmann	ATR-M-12238-1P US	1710
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PATENT LAW GROUP LLP 2635 NORTH FIRST STREET SUITE 223 SAN JOSE, CA 95134			EXAMINER NGUYEN, DAT	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 11/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/022,460	Applicant(s) GAUSELMANN, MICHAEL	
	Examiner Dat T. Nguyen	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11,13-17,33 and 35-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11,13-17,33 and 35-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is responsive to the amendments filed on 09/05/2007 in which applicant amends claims 11, 13-15, 33, 35 and 36, cancels claims 1-10, 12, 18-32, 34 and 39-44, and responds to claim rejections. Claims 11, 13-17, 33 and 35-38 are pending.

Claim Rejections - 35 USC § 112

Claims 11, 13-17, 33 and 35-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amended independent claims recite the conversion of symbols that occur in the same column as a special symbol into special symbols, however the disclosure, at best, only recites the conversion of symbols adjacent to the special symbol (figure 2, page 4, lines 16-26). There is no disclosure in the specification or drawings that provide support for such limitations, therefore the claims are considered new matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3714

Claims 11, 13-17, 33 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Halloran (US 6,439,993 B1) in view of Bennett (US 6,251,013 B1).

Regarding claims 11 and 33:

O'Halloran teaches a method and apparatus directed towards a gaming machine with wild card symbols. The device comprising a display (20) which displays a matrix of M rows by N columns of symbols wherein the matrix has multiple pay lines across the N columns (figure 2 and 3). Upon the occurrence of special symbols (“@” symbol), the game converts other symbols in the matrix to the wild card symbol in accordance to various embodiments described and depicted in figures 4a-f and 5a-z.

O'Halloran is however silent regarding the conversion of symbols in the column in which the special symbol appears. In a related patent also directed towards the implementation of special symbols in gaming machines, Bennett teaches the use of special symbols to trigger various bonus features in the game (2:5-10). One of such bonus features is the alteration of symbols in a column in which is designated by a special feature (figures 7a and 7b, 1:55-65, 2:27-33, and 5:36-45). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to implement the known column altering bonus feature of Bennett to the special symbol triggering event of O'Halloran which is ready for the improvement to yield the predictable result of providing players with an increased sense of interest in the game due to the alteration of not only a single pay line's outcome, but that of multiple pay lines since pay lines are known to be horizontal. This would therefore further entice players to bet on multiple paylines whereby increasing play volume and revenue for casino operators.

Art Unit: 3714

Regarding claim 13, wherein converting comprises converting a visual image of symbols to the special symbol (figures 2 and 3).

Regarding claims 14 and 35, wherein said special symbol is a wild card (3:16-30).

Regarding claims 15 and 36, determining after said converting, whether symbols in said matrix include a winning combination of symbols by determining symbols across at least one pay line (3:16-30).

Regarding claims 16 and 37, wherein said multiple pay lines comprises horizontal paylines (1:25-45)

Claims 17 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Halloran in view of Bennett and further in view of Mayeroff (US 6,224,483 B1).

O'Halloran teaches multiple paylines but does not teach the payline being bent. Mayeroff teaches that a popular payline format on a 3x5 slot is the Australian style, which comprises nine different paylines, including bent ones (Columns 1 and 2). Mayeroff further teaches that a plethora of winning symbol combinations is provided so that the player has a large number of various opportunities to win (Column 3, lines 9-12) [claims 17, 38]. It would have been obvious to one of ordinary skill in the art to use a bent payline configuration in the O'Halloran machine in order to provide the player with more betting opportunities, thus increasing their excitement and anticipation. Further, the usage of one payline scheme over another is a design choice, obvious to one of ordinary skill in the art, and motivated by the wants and needs for a system as defined by its designer.

Response to Arguments

Applicant's arguments with respect to claims 11, 13-17, 33 and 35-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dat T. Nguyen whose telephone number is (571) 272-2178. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dat Nguyen
/Scott Jones/

Primary Examiner, Art Unit 3714